IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

Bail Appl..No. 204 of 2007()

CRIME NO. 559/06 OF PANDALAM POLICE STATION

PETITIONERS/ACCUSED NO.1 TO 3

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1. GOPALA PILLAI, AGED 65 YEARS,
VADASSERI THAZHAPURAYIL, NJETTUR MURI,
KULANADA VILLAGE, PATHANAMTHITTA DISTRICT.

2. CHANDRAMATHI, AGED 60 YEARS,
W/O.GOPALA PILLAI, VADASSERI THAZHAPURAYIL,
NJETTUR MURI, KULANADA VILLAGE, PATHANAMTHITTA
DISTRICT.

3. KALA, AGED 40 YEARS,
D/O.GOPALA PILLAI, VADASSERI THAZHAPURAYIL,
NJETTUR MURI, KULANADA VILLAGE,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI. K.SHAJ
SRI.SAJJU.S
SRI.B.BALRAJ

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO.204 of 2007

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DATED: 17-01-2007

O R D E R

Petitioners three in number seek anticipatory bail on the allegation that they are apprehending arrest by the Pandalam Police in connection with Crime No. 559/06 registered for offences punishable under Sections 326, 341 and 451 read with Sec. 34 I.P.C.

2. The learned Public Prosecutor, on instructions, submitted that the 3rd petitioner who was originally the 3rd accused has been deleted from the array of the accused. So, the apprehension entertained by the 3rd petitioner is unfounded. With regard to the petitioners 1 and 2 the 2nd petitioner is the 60 year old wife of the first petitioner and no overt act of assault by the 2nd petitioner (A2) is alleged also. Under these circumstances, I am inclined to grant anticipatory bail to the 2nd petitioner who is the 2nd accused. In the case of the first accused who is the main offender who had inflicted head injuries including a fracture on the de facto complainant with a stone, anticipatory bail cannot be granted.. There is no reason why he should not surrender before the Magistrate and seek regular bail.

3. Accordingly, if the first accused (first petitioner) surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed.

4. A direction is issued to the officer-in-charge of the police station concerned to release the 2nd accused (2nd petitioner) on bail for a period of one month in the event of her arrest in connection with the above case on her executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

1. The 2nd petitioner shall make herself available for interrogation as and when required by the Investigating Officer.

2. The 2nd petitioner shall not influence or intimidate the prosecution witnesses nor shall she attempt to tamper with the evidence for the prosecution.

3. The 2nd petitioner shall not commit any offence while on bail.

5. The 2nd petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

5. If the 2nd petitioner commits breach of any of the above conditions, the bail granted to her shall be liable to be cancelled.

6. This application is allowed in part.

7. The request for anticipatory bail by the 3rd petitioner who is no more an accused in this case, is turned down.

Sd/- **V.RAMKUMAR,**
JUDGE.

/true copy/

P.A. to Judge.

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